

The Massachusetts Health Information Highway

Patient Consent



www.masshiway.net

Presentation Goals

Prepare key staff to obtain “meaningful consent” for the Mass HIway by:

- Describing the services
- Defining consent policies
- Knowing the benefits
- Preparing frequently asked questions

What is the Mass Hlway?

Mass Hlway: Secure, statewide health information exchange (HIE) network operated by the State's Executive Office of Health and Human Services.

Goals: Improve and enhance information sharing and communication among cross institutional care teams in a secure and efficient way to:

- Improve care coordination/transitions
- Avoid readmission and medical errors
- Reduce costs/duplication
- Improve patient outcomes/satisfaction

Services: Apply to information sharing as allowed under HIPAA.

- 1) **Direct Messaging** enables secure “push” of health information. It's a more secure way than fax, US Mail, unencrypted (uncoded) USB, or CD.
- 2) **Query & Retrieve** enables “pull” of health information by directing a user to other organizations that have medical records on a patient so they can request and receive a reply. Mass Hlway **does not store** health information!

What is “meaningful consent”?

Meaningful Consent: Describes a process for getting patient consent that is not just a “check the box” exercise. Includes key pillars:

- **Technology**: Mass HIway is used to capture and maintain consent decisions, track usage, access given to organizations that have consent, prompt re-consent at age 18.
- **Law & Policy**: Participants must sign a Mass HIway Agreement before getting access. Participants must follow state and federal laws and policies for safe, ethical use.
- **Education**: **Helping a patient understand the benefits and risks helps to establish trust so they can make the best decision. Here’s an example:**
 - Give the patient a 2 page FAQ *before* asking for permission
 - Ask if the patient has questions
 - Be prepared to answer or have a resource to turn to if you can’t

* Educational material for patients available at www.masshiway.net

What are the Mass Hlway consent requirements?

Opt In: Mass Law that applies to Mass Hlway ONLY. Patients must provide consent before Mass Hlway can be used in their care. Enables patient control.

Mass Hlway Policies*:

- Consent is only for use of the Mass Hlway to exchange information under HIPAA. Must follow existing laws for sending sensitive information.
- Consent for Direct Messaging must mention the Mass Hlway is being used as a mode of exchange.
- Consent for Query & Retrieve should include patient education.
 - *Participants may get consent for all services at one time.*
- Consent must be documented and reportable.
- Process must be in place for:
 - patients to change their consent and for Mass Hlway to be notified.
 - patients to request and receive an accounting of disclosures of Mass Hlway use.
- Must follow consent policies for emancipated minors and minors turning 18.

* Policies and Procedures available at www.masshiway.net

Why is education important for Mass Hlway consent?

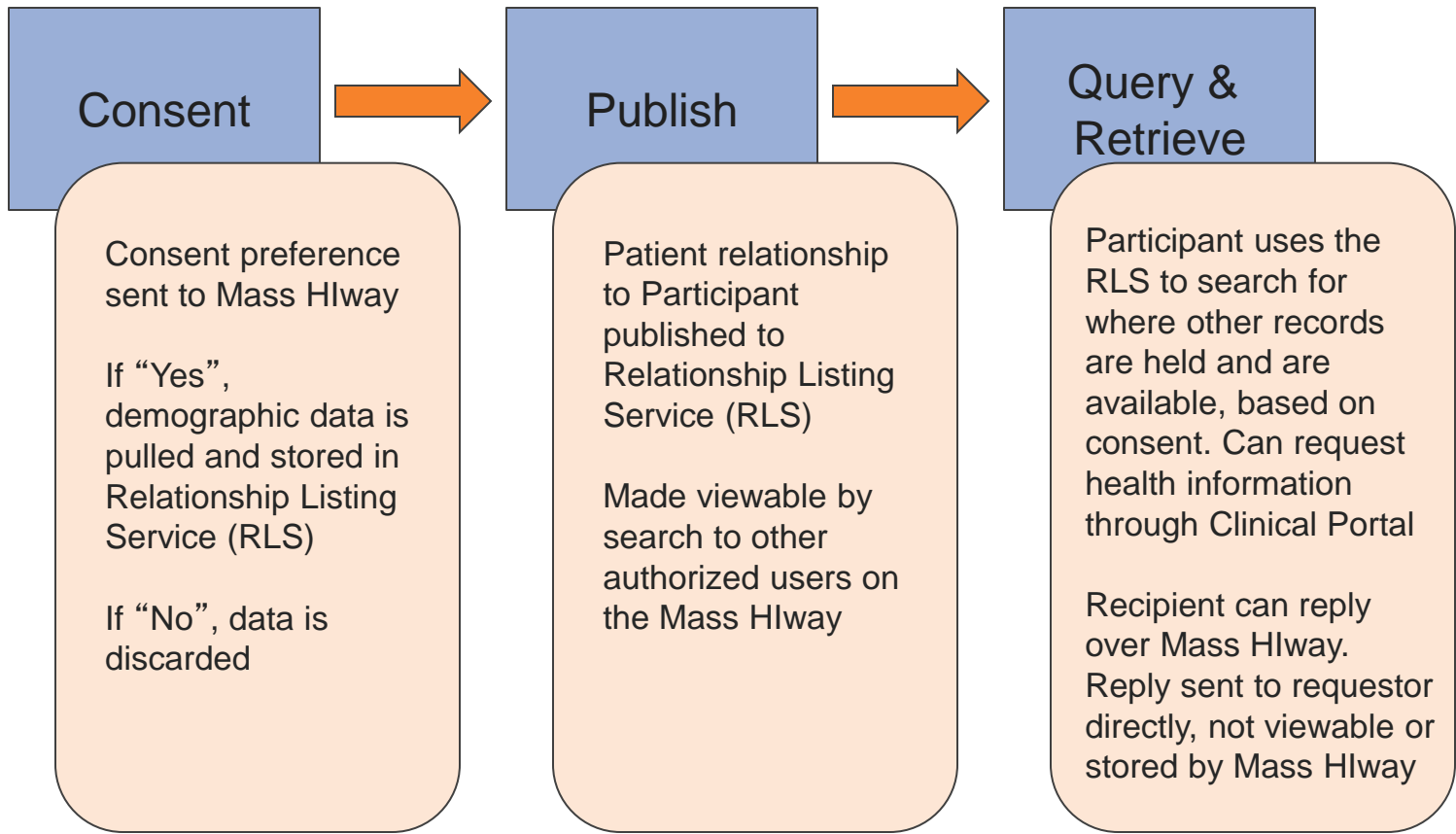
Direct Messaging is pretty easy. Information sharing happens today (as allowed by law) using methods like fax machines or the mail. Mass Hlway offers more security to do this and patients should know this.

Query and Retrieve is new and requires that:

- **The Mass Hlway Participant send demographic data (name, DOB, gender, address, email, phone, medical record number- not social security number) about the patient to the Mass Hlway (State).**
- **Demographic data is stored by the Mass Hlway (State) and made searchable by other authorized users for patient matching.** *This is to make sure the user is requesting information on the right patient.*
- **A patient's "Relationship" to that health care organization (i.e. the patient has received care there) is published and viewable by (i.e. disclosed to) other authorized healthcare organizations where patient has given consent through the Relationship Listing Service.** *This is to direct the user to where other records are available for request. Remember, the Mass Hlway doesn't store clinical information!*

* Educational material for patients available at www.masshiway.net

Big Picture: How Query & Retrieve works



What about security?

Patients should know that*:

Your organization and the Mass Hlway use the best security systems and processes to protect health information, such as:

- Messages sent over the Mass Hlway are encrypted- meaning they're scrambled and readable only by the intended recipient that has the keys to unlock it, then unscramble the contents to make it readable.
- Demographic data is encrypted and stored behind a firewall in a secure location (to protect it from "hackers").
- Mass Hlway access requires user identification and strong passwords. *Be prepared to tell patients who the 'authorized users' are at your organization.*
- Logs record all requests for information by authorized users. *Be prepared to tell patients how they can get a copy. The Mass Hlway can provide these logs.*

* Educational material for patients available at www.masshiway.net

Key points to clarify with patients

Patients may think that:

- **The state is getting their health information. Not true!**
 - Mass Hlway does not store health information AND can't see any messages sent over the network.
 - Medical records are stored by the organization, same way they are today.
- **Their information will be hacked. It's nearly impossible!**
 - Mass Hlway encryption is state of the art. A supercomputer would take a billion billion years to unlock it, so it hasn't been done before.
 - All messages are encrypted before, during and after sending. The receiver must unlock it to de-crypt it.
- **There will be a breach. That's more likely with current methods of exchange!**
 - Breaches are due to lack of encryption (like using public email), loss of unencrypted devices like a laptop, poor security.
 - *Be prepared to tell patients more about the security practices at your organization to protect their medical record. Breaches are at the source.*
 - Mass Hlway can replace unencrypted exchange methods.

Finally... how does the PATIENT benefit?

Mass HIway is a tool you're using to improve security, speed, and accuracy of health information sharing as allowed by law in order to:

Provide safer care

- Keeping the care team up to date with allergies or adverse events
- Making information available during an emergency encounter

Improve follow up and referrals across different organizations

- If hospitalized, a discharge summary can be sent to the patient's care team for better follow up
- If referred to a specialist, the PCP can send important information before the visit so they're better prepared

Reduce repeat testing and costs

- Results can be easily sent to the care team, speeding up a diagnosis and avoiding more visits and more co-pays for the same tests

Improve patient satisfaction

- Patients will have to worry less about coordinating information between their healthcare team- you can provide better care with improved access to information!

You may be asked...

What if I say 'No'?

- It's ok, but remember, by law your healthcare provider can send information for the purposes of treatment, payment, and operations. You'd only be saying no to using the Mass HIway to do this, so your healthcare provider will continue to do this by other methods, like fax or US Mail, that may not be as secure as the Mass HIway.

Who can use the Mass HIway?

- Use of the Mass HIway is limited to exchanges allowed by law, so users must be licensed medical providers or health plans, health service organizations or Commonwealth agencies. They must sign a legal agreement with the Mass HIway that they will follow the law and terms of use. The Participant is verified before access is granted.

Who has access to the Mass HIway here?

- Each organization have designated people that are who is given access to use the Mass HIway to send and receive patient health information .
- *Be prepared to explain who at your organization has access to the Mass HIway, and how they are trained on the functionality and policies.*

You may be asked...

What information is shared and why?

- *Be prepared to discuss why HIPAA allows information sharing for the purposes of treatment, payment and operations, who has access and who doesn't. Have your organization's educational handout available for the patient.*

Isn't the Mass Hlway an electronic health record?

- No! The Mass Hlway is not an electronic health record and **does not store** any health information. It's a more secure way to send and receive it. The medical record is stored by the organization, same as it is today.

What if there's an error in my record?

- Because the Mass Hlway doesn't store medical records, you would need to speak with your provider to correct an error, same as today.

You may be asked...

Who can see my information on the Mass HIway?

- Organizations where you have received care and given your consent to use the Mass HIway (this is your relationship) can see other relationships you have and can request information from them to treat you better.

What if there's an emergency and I haven't given consent?

- If you arrive in the ER and are unable to communicate, the ER doctor can “break the privacy seal” enabling the ability to review your relationships that you have allowed to be listed and request information even if you haven't given consent to (i.e. haven't established a relationship with) that ER. A valid reason must be documented for audit purposes.

Why can't I access the Mass HIway?

- *The Mass HIway is working on a patient portal for a future release. Let the patient know they have a right to their record and how they can get it.*

Questions?

Contact your organization's Mass HIway Administrators

www.masshiway.net*
masshiway@state.ma.us

1-855-MA HIway (1-855-6249)
Option 3

- Patient section to be launched mid 2014